IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.1039 OF 2005
WITH
CIVIL APPLICATION NO.1243 OF 2005

Anil Damaji Dandekar ..Appellant.
Vs.
Swaraj Sahakari Griha Nirman Sanstha Mydt. & Ors. .. Respondents.

...

Mr. Shailesh Redekar for the Appellant.
Mr. G.N. Gaonkar for Respondent No.1.
Mr. Vinay Patil for Respondent No.3.

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CORAM : DR.D.Y.CHANDRACHUD, J.

21st November, 2005.

P.C. :

The husband of the Third Respondent was recognized as the occupier of the premises which consist of Room No. A-59-5-6 admeasuring 8 ft. x 11 ft., Shroff Wadi, Dr. Ambedkar Nagar, Senapati Bapat Marg, Parel, Mumbai 400 013. Admittedly, a pitch holders' card was issued in 1976 in favour of the husband of the Third Respondent (original Defendant No.3). A Slum Rehabilitation Scheme has been sanctioned and Annexure II which has been issued by the Slum Rehabilitation Authority recognized the

husband of the Third Respondent as the occupier. The husband of the Third Respondent died on 5th September, 2001 leaving behind him his widow as his sole surviving heir. The Appellant has not made out any right in respect of the premises so as to be eligible for allotment of alternative accommodation. His only case is that the original premises were acquired by his father and the husband of the Third Respondent. There is absolutely no evidence to substantiate his case. The Third Respondent has consented to the Slum Rehabilitation Scheme and she has been held to be eligible for the grant of alternative accommodation which counsel appearing for the First Respondent states will be provided to the Third Respondent in accordance with her eligibility in the scheme. In the circumstances, no case for interference is made out. The Appeal is dismissed.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.